

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SPEAR, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
FENKELL, et al.	:	NO. 13-02391

O R D E R

AND NOW this 5th day of February 2015, for the reasons stated in the accompanying memorandum opinion it is **ORDERED** that:

1. Alliance Holdings, Inc.'s Motion to Dismiss (Doc. No. 125) Paul Sefcovic's First Counterclaim for contractual indemnification (Doc. No. 91 at ¶¶ 1-13) is **GRANTED**.
2. Alliance Holdings, Inc.'s Motion to Dismiss (Doc. No. 125) Paul Sefcovic's Second Counterclaim for contractual indemnification (Doc. No. 91 at ¶¶ 14-24) is **DENIED**.
3. Alliance Holdings, Inc.'s Motion to Dismiss (Doc. No. 125) the Sefcovic's and SLAMS' Third Counterclaim for contribution and indemnification (Doc. No. 91 at ¶¶ 25-27) is **GRANTED**.
4. Alliance Holdings, Inc.'s Motion to Dismiss (Doc. No. 125) Lianne Sefcovic's Fourth Counterclaim for breach of contract (Doc. No. 91 at ¶¶ 28-35) is **GRANTED**.

- a. Lianne Sefcovic shall have 14 days from the date of this Order to file an amended Fourth Counterclaim against Alliance Holdings, Inc.
 - b. Alliance Holdings, Inc. may file and serve a response to the amended Fourth Counterclaim within 14 days from the date the amended Fourth Counterclaim is served upon them.
5. Alliance Holdings, Inc.'s Motion to Dismiss (Doc. No. 125) SLAMS' Fourth Counterclaim for breach of contract (Doc. No. 91 at ¶¶ 28-35) is **DENIED**.
 6. Kenneth Wanko's Motion to Dismiss (Doc. No. 125) Count One of Lianne Sefcovic and SLAMS' Third Party Complaint for breach of contract against Kenneth Wanko (Doc. No. 91 at ¶¶ 1-6) is **GRANTED**.

BY THE COURT:

s/Richard A. Lloret
RICHARD A. LLORET
U.S. Magistrate Judge